

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI ex rel.	)	No. ED103251
HARRY M. STOCKMAN,	)	
	)	
Relator,	)	Writ of Prohibition
vs.	)	Circuit Court of the City of St. Louis
	)	Cause No. 1522-FC01127
The Honorable THOMAS J. FRAWLEY,	)	
Judge of the Circuit Court of the City of	)	Hon. Thomas J. Frawley
St. Louis, 22 <sup>nd</sup> Judicial Circuit, Division 22,	)	
	)	Filed:
Respondent.	)	September 15, 2015

Harry M. Stockman (“Relator”) seeks a writ of prohibition or mandamus against the Honorable Thomas J. Frawley (“Respondent”) for denying his application for change of judge under Rule 51.05. We entered a preliminary order of prohibition, and Respondent filed a timely answer and suggestions in opposition.

PRELIMINARY ORDER IN PROHIBITION MADE PERMANENT AS MODIFIED.

Writ Division Three holds:

Hearing at which Respondent addressed parties PDL motions was not a “trial” for purposes of Rule 51.05(b). No evidence was taken at the hearing, all issues were resolved by consent of the parties and no substantive rulings were made. Therefore, Relator’s application was timely filed after that hearing. The fact that he did not file a notice of hearing with his application is not fatal.

Opinion by: Robert G. Dowd, Jr., P.J.  
Angela T. Quigless, J. and Gary M. Gaertner, Jr., J., concur.

Attorney for Relator: Larry D. Thomason , Jr.

Attorneys for Respondent: Craig G. Kallen, Rachel S. Gray

<p><b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED</b></p>
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